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WASHINGTON DC 20005

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APR 03 2008

OFFICE OF PETITIONS

In re Application of :
Nancy Lan :
Application No. 10/644,783 : LETTER REGARDING
Filed: August 21, 2003 : PATENT TERM ADJUSTMENT
Atty Docket No. 1483.0370003 :

This is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT," filed February 8, 2008. Applicants disclose that there appears to be an error in the determination of patent term adjustment pursuant to 35 U.S.C. 154(b) attached to the Notice of Allowance.

The request for review of the patent term adjustment is GRANTED.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is two hundred sixty-four (264) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 8, 2007, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is 355 days. Applicants do not disclose a basis for their assertion that the patent term adjustment may be longer than appropriate.

Nonetheless, a review of the record reveals that an additional period of reduction pursuant to 37 CFR 1.704(b) should have been

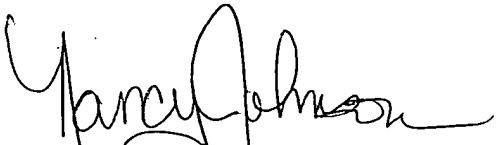
entered. Specifically, applicants did not file a Request for Continued Examination (RCE) in response to the final Office action mailed January 19, 2007, until July 19, 2007, three months and 91 days later. Accordingly, pursuant to § 1.704(b), a period of 91 days for applicant delay is being entered for applicant taking in excess of three months to respond to an Office action.

In view thereof, the initial determination of the patent term adjustment at the time of the mailing of the notice of allowance is two hundred sixty-four (264) days.

As this letter was submitted as an advisement to the Office of an error in Applicants' favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks Applicants for their good faith and candor in bringing this to the attention of the Office.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded and is not consumed by the filing of the RCE).

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PALM Screen

Day : Wednesday

PALM INTRANET

Date: 4/2/2008

Time: 12:03:46

PTA Calculations for Application: 10/644783

Application Filing Date:	08/21/2003	PTO Delay (PTO):	418
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	63
Post-Issue Petitions:	0	Total PTA (days):	264
PTO Delay Adjustment:	-91		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
56	04/02/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		91	
44	11/08/2007	MAIL NOTICE OF ALLOWANCE			
43	11/06/2007	ISSUE REVISION COMPLETED			
42	11/06/2007	DOCUMENT VERIFICATION			
41	11/06/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
40	11/06/2007	CASE DOCKETED TO EXAMINER IN GAU			
39	10/01/2007	NOTICE OF ALLOWABILITY			
38	07/25/2007	DATE FORWARDED TO EXAMINER			
37	07/19/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
36	07/25/2007	DATE FORWARDED TO EXAMINER			
35	07/19/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
34	07/25/2007	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
33	07/19/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	07/19/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			
31	01/30/2007	MAIL POST CARD			
30	01/22/2007	EMAIL NOTIFICATION			
29	01/19/2007	MAIL FINAL REJECTION (PTOL - 326)			
28	01/08/2007	FINAL REJECTION			
27	11/15/2006	DATE FORWARDED TO EXAMINER			
26	10/25/2006	RESPONSE AFTER NON-FINAL ACTION			
25	07/25/2006	MAIL NON-FINAL REJECTION			
24	07/21/2006	NON-FINAL REJECTION			

23	05/15/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
22.7	05/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	20
22	05/15/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	05/19/2006	DATE FORWARDED TO EXAMINER			
20	05/15/2006	RESPONSE AFTER NON-FINAL ACTION		63	18
19	05/15/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
18	12/13/2005	MAIL NON-FINAL REJECTION	418		-1
17	12/09/2005	NON-FINAL REJECTION			
16	11/25/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
15	09/24/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
14	08/21/2003	PRELIMINARY AMENDMENT			
13	03/17/2004	CASE DOCKETED TO EXAMINER IN GAU			
12	11/25/2003	REFERENCE CAPTURE ON IDS			
11.7	11/25/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	11/25/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	11/13/2003	APPLICATION RETURN FROM OIPE			
9	11/14/2003	APPLICATION IS NOW COMPLETE			
8	11/14/2003	PRE-EXAM OFFICE ACTION WITHDRAWN			
7	11/13/2003	APPLICATION RETURN TO OIPE			
6	11/13/2003	APPLICATION DISPATCHED FROM OIPE			
5	11/14/2003	APPLICATION IS NOW COMPLETE			
4	11/05/2003	CASE CLASSIFIED BY OIPE			
3	11/05/2003	CLEARED BY OIPE CSR			
2	09/16/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	08/21/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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